



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,607	11/28/2000	David White	088305-0122	5792

7590 04/25/2005

FOLEY & LARDNER

Washington Harbour

Suite 500

3000 K Street, N.W.

Washington, DC 20007-5109

EXAMINER

KARMIS, STEFANOS

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<p>Application No.</p> <p>09/722,607</p>	<p>Applicant(s)</p> <p>WHITE ET AL.</p>	
	<p>Examiner</p> <p>Stefano Karmis</p>	<p>Art Unit</p> <p>3624</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6-15 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-15 and 18-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

---

**DETAILED ACTION**

---

1. The following communication is in response to Applicant's amendment filed on 28 January 2005.

***Summary of Claims***

2. Claims 1, 13, 25, and 27 are currently amended. Claims 7, 10-12, 14, 15, 18-24, 26 are previously presented. Claims 4, 5, 16, 17 are cancelled. Claims 2, 3, 6, 8, 9, and 28 are left as originally filed. Therefore claims 1-3, 6-15 and 18-28 are under prosecution in this application.

***Response to Arguments***

3. Applicant's arguments, filed 28 January 2005, with respect to the rejection(s) of claim(s) 1-3, 6-15 and 18-28 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as discussed below.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3624

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 6-15 and 18-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Carlton-Foss U.S. Patent 6,647,373.

Regarding independent claim 1 and 13, Carlton-Foss discloses a method for conducting an auction for a sponsor comprising:

receiving score computation information, at an auction system computer, for computing respective composite scores for respective bids submitted to the auction, the score computation information for computing a composite score comprising:

a selection of a plurality of categories as evaluation criteria for the bid;

a setting of parameters for each of the selected categories; and

a weight specified for each of the selected categories (column 12, line 43 thru column 13, line 13);

receiving a bid from one or more participants, the bid including bid information corresponding to the selected categories (column 7, line 52 thru column 8, line 14);

calculating a weighted value for each one of the selected categories based on the parameters and weight for each of the selected categories and the bid information (column 12, lines 8-42);

determining the composite score for each received bid based on the weighted values for each of the selected categories (column 12, lines 43 thru column 13, line 13); and

identifying the bid having the highest composite score (column 11, lines 21-54);

---

wherein at least one of the selected categories is set to a value provided by the sponsor (column 11, lines 55 thru column 12, line 12); and

wherein the at least one of the selected categories set to a value provided by the sponsor relates to an evaluation of the participant by the sponsor (column 11, line 55 thru column 12, line 12).

Claims 2 and 14, receiving a designation of the participants who may submit bids to the auction (column 5, line 63 thru column 6, line 8).

Claims 3 and 15, sending a notification to each of the participants based on the received designation (column 6, lines 10-25).

Claims 6 and 18, the plurality of categories include a price, a distance a quality a volume and a lead time (Figures 12a and 12b).

Claims 7 and 19, notifying the participant having the bid identified as having the highest composite score (column 6, line 56 thru column 7, line 4).

Claims 8 and 20, the information for setting the composite score further comprises a selection of at least three of the plurality of categories as evaluation criteria for the bid (Figures 12a and 12b).

---

Claims 9 and 21, the information in the bid includes values corresponding to the selected categories (column 11, lines 10-54 and Figures 12a and 12b).

Claims 10 and 22, calculating of a weighted value for each one of the selected categories comprises: scaling the values included in the information in the bid with the parameters set for each of the selected categories; and adjusting the scaled values with the weight specified for each of the selected categories (column 12, line 8 thru column 13, line 13).

Claims 11 and 23, determining the composite score further includes summing the adjusted values (column 12, line 8 thru column 13, line 13).

Claims 12 and 24, receiving values corresponding to the selected categories before the bid is submitted: calculating a weighted value for each one of the selected categories based on the parameters and weight for each of the selected categories and the received values; determining the composite score based on the weighted values for each of the selected categories; and displaying the composite score to the participant from which the value were received (column 12, line 8 thru column 13, line 30).

Regarding independent claim 25, Carlton –Foss discloses a window in a graphical user interface of a computer of a participant in an auction, comprising:

an auction window, displayed on the graphical user interface of the computer of the participants, operable to display information describing the content of the auction as provided by a sponsor of the auction (column 5, line 63 thru column 6, line 26, Figures 12-15);

a composite score window operable to display at least two of a plurality of categories selected as evaluation criteria for a bid, a value entered for each of the selected categories, and a composite score calculated according to the values entered for each of the selected categories, parameters set for each of the selected categories, and a weight specified for each of the selected categories, wherein the composite score is calculated based on the respective weight for each of the selected categories and a value provided by the sponsor of the auction that relates to an evaluation of the participant of the sponsor (column 12, lines 43 thru column 13, line 13 and column 11, lines 55 thru column 12, line 12 and Figures 12-15).

Claim 26, the composite score window is further operable to display an indication of the weight specified for each of the selected categories (Figures 12 thru Figure 14).

Claim 27, the composite score window is further operable to display a composite score corresponding to a highest calculated composite score and a composite score corresponding to values most recently submitted by a participant of the auction (Figure 15).

Claim 28, the composite score is displayed before the values are submitted to the auction (column 12, line 43 thru column 13, line 30).

---

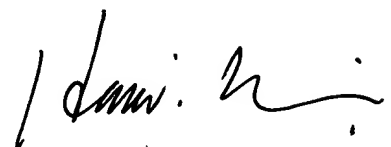
***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted  
Stefano Karmis  
11 April 2005

  
**HANI M. KAZIMI**  
**PRIMARY EXAMINER**